


UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF MISSOURI
 EASTERN DIVISION

IN RE:)	Chapter 11
)	
DOUBLE HELIX CORPORATION,)	Case No.: 25-40745-659
d/b/a KDHX COMMUNITY MEDIA,)	#53
)	
Debtor.)	
)	
)	

**AGREED ORDER AUTHORIZING AND DIRECTING EXAMINATION OF DEBTOR
 PURSUANT TO RULE 2004, FEDERAL RULES OF BANKRUPTCY PROCEDURE**

Upon the Consent Motion for Authority to examine Debtor Pursuant to Bankruptcy Rule 2004, (the “Motion”) filed on behalf of Movants (as defined in the Motion with consent of Debtor, the Motion is **Granted**, in that Debtor is directed to produce, at **10:00 a.m. on Wednesday, April 9, 2025**, at the office of Carmody MacDonald, 120 S. Central Avenue, Suite 600, St. Louis, Missouri 63105, subject to rescheduling by agreement of the parties: (a) designated representative(s) of the Debtor with knowledge of Debtor’s acts and conduct; and to produce responses and/or responsive documents to the requests set forth in Exhibit A to the Motion (which Exhibit is also attached to this Order) upon a schedule to be determined by the parties.

Within two business days after the entry of this Order, Movants shall serve a copy of this Order on those of the twenty largest unsecured creditors not receiving electronic service by the Court and file a Certificate of Service within one business day thereafter.


 KATHY A. SURRATT-STATES
 U.S. Bankruptcy Judge

DATED: April 2, 2025
 St. Louis, Missouri
 jjh

Order Prepared By:

A. Thomas DeWoskin
 DANNA MCKITRICK, P.C.
 7701 Forsyth Blvd., Suite 1200
 St. Louis, MO, 63105

EXHIBIT A

GENERAL FINANCE

- Revenues and expenses and categories or itemization for same on an annual basis since 2010
- Revenues and expenses and categories or itemization for same on a monthly and/or quarterly basis since 2017
- Most recent Form 990 and audited financial statements
- Form 990 and audited financial statements since 2010
- Any analysis conducted since 2017 related to donations or pledges (type, number, dollar amount) including whether or why they increased or decreased
- Any analysis conducted since 2017 regarding financial condition including income and liabilities, plans or ideas to reduce liabilities or expenses, and/or plans or ideas to increase income or revenues
- Any financial analysis pertaining to the decision of whether to file for bankruptcy
- Documents showing options considered, plans, or strategies intended to avoid filing bankruptcy
- Budgets, forecasts, or similar financial forecasts created in 2024 or 2025
- Any analysis of costs or expenses with the Associate Members continuing to serve as Associate Members after January 31, 2025 as compared to costs or expenses if the vast majority of Associate Members are terminated
- Communications with creditors and communications concerning creditors
- Documents showing the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefor, and any other matter relevant to the case or to the formulation of a plan
- Financial reports, statements, or analysis (“financial information”) provided by the Treasurer or the Executive Director to the Board or any Director on the Board since January 2023
- Financial information provided by the Executive Director to the Treasurer or President of the Board
- Communications between the Executive Director and the Treasurer or the President of the Board since 2023 regarding bankruptcy, potentially filing bankruptcy, debtor’s financial situation, or financial information
- Underwriting reports or other risk assessments provided to debtor since 2021

LENDERS

- All communications with K-LOVE, EMF, or related companies or persons
- Drafts of the DIP Financing Term Sheet entered into with K-LOVE
- Term Sheets or proposals from any other potential lender

- The “Offer to Purchase” dated February 25, 2025 referenced in the K-LOVE Term Sheet
- Drafts of that “Offer to Purchase”
- Any offer to purchase or similar offer or document from any potential purchaser or lender
- The Stalking Horse Agreement referenced in the K-LOVE Term Sheet or draft thereof
- Any other communications regarding potential sale or lease of the license

PLANS

- Business plans, feasibility studies, or other similar analysis for an online radio station
- Business plans, feasibility studies, or other similar analysis of continuing KDHX on FM
- Business plans, feasibility studies, or other similar analysis related to whether to continue operations (prior to bankruptcy) and related to potential continued operations during bankruptcy and post-bankruptcy
- Documents regarding the potential benefit or detriment resulting from the filing of bankruptcy to the overall community KDHX serves or to any entity or individual

RECORDS

- Current set of By-laws and any changes made after the adoption of the 2021 By-laws
- The current Articles of Incorporation and all past versions of the Articles
- Rules or regulations created or adopted by the Board of any Committee after adoption of the 2021 By-laws
- Minutes from all Board meetings and Committee meetings regarding changes or proposed changes to the By-laws since 2010 ○ Note – all requests for minutes include Executive Session or Closed Session minutes
- Any other document related to the reasons for such By-laws changes
- Minutes from all Board meetings and Committee meetings since 2017
- Notices, minutes, agendas, draft agendas, votes, resolutions, or other actions regarding any Associate Member meeting planned or held after January 31, 2025
- Draft agenda or other documents regarding the March 2025 Board meeting
- Board or Committee votes, resolutions, or other actions regarding the bankruptcy (including actions regarding whether to seek lenders, whether to seek lessors or purchasers of assets, whether and when file the Petition, K-LOVE, any Term Sheet from any lender, any Offer to Purchase from any lender or potential purchaser, whether to hire bankruptcy counsel, LOVE of KDHX including LOVE of KDHX’s recent offer or whether to negotiate or communicate with LOVE of KDHX)
- Board or Committee votes, resolutions, or other actions related to Article IX since 2010
- Communications regarding Article IX from January 1, 2023 to present
- Board or Committee votes, resolutions, or other actions related to the decision to terminate, suspend, remove, or otherwise change the status (collectively “Terminations”) of any Director or Associate Member or volunteer (and decisions related to any appeal of such decision) including: ○ Tom “Papa” Ray ○ The DJs terminated in 2023

- Anne Silverstein ○ Kip Loui ○ Courtney Dowdall
- The attempted terminations of January 31, 2025 (including employees) ○ Any other Termination post-January 31, 2025 (including employees)
- Internal communications at KDHX or other documents related to those Terminations including which Members or employees to terminate or not terminate
- Communications with Members who were not terminated by the January 31 Email
- Communications or other documents related to what, if any, process or procedure to provide to any Director or Associate Member who was terminated, suspended, removed, or otherwise suffered a change in status
- Analysis or communications regarding the impact on fundraising or donations due to any of the above terminations
- Analysis or communications regarding the impact on morale or operations due to any of the above terminations
- Internal communications at KDHX or other documents (including Board or Committee votes, resolutions, or other actions) related to Courtney Dowdall's status or position on the Board and whether to allow or prevent her participation in any Board activity
- Board of Committee votes, resolutions, or other actions related to the liabilities and financial condition of the debtor
- Board of Committee votes, resolutions, or other actions related to KDHX's operations and the desirability of its continuance
- Board or Committee votes, resolutions, or other actions related to the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefor, and any other matter relevant to the case or to the formulation of a plan
- Board or Committee votes, resolutions, or other actions related to any election to the Board of Directors from 2023 to present
- All lists of Associate Members from January 1, 2023 to present including information sufficient to show when the list was created
- All lists of the Board of Directors from January 1, 2020 to present including the name of each Director, what position that person holds on the Board (e.g., First Director, Second Director, etc.), the commencement and end dates of their term, any office held (e.g., President), and information sufficient to show when the list was created
- Board or Committee minutes, votes, resolutions, or other actions regarding the decision to eliminate the class of Annual Members
- Any analysis conducted regarding whether to eliminate the Annual Member class
- Fundraising goals and results for all fund drives since 2020 including results broken down by show or DJ

- Reports or analysis provided to the Board regarding progress on the Strategic Plan
- Documents sufficient to show efforts made to remediate mold or to repair the roof, ceiling, HVAC, or mold problems since 2023 (e.g., estimates received, invoices paid, documents showing a decision to repair or not repair such problems)
- Dead air logs (i.e., records showing dead air time) and transmitter logs since 2023

JANUARY 31 TERMINATION

- Documents showing any distinction between, or definitions of, content producers and non-content producers (including membership status, rights, or ability to volunteer)
- Documents regarding the decision to terminate the vast majority of Associate Members on January 31, 2025 including any evidence supporting or refuting the reasons and rationale provided in the January 31, 2025 Termination Email
- Documents regarding plans or decisions or changes in plans or decisions after the Court's Order restraining KDHX (the "TRO") in *Bernard, et al. v. Double Helix Corp., et al.*

ELECTION

- Documents related to the recent Board election including the vote result, whether and when to hold the election, what candidates were allowed on the ballot, who to allow to vote, how to determine the winner, and whether to hold a runoff election
- Communications with Ray Finney or about Ray Finney regarding the recent Board election including his nomination, requests that he run, eligibility to run, election results, ballot, how the winner is determined, and the possibility of a runoff election
- Documents regarding the 2024 Board of Directors election including the nomination of Caryn Haddix and decisions on who to allow on the ballot
- Communications sent to eligible voters for the 2025 Board election
- Internal communications amongst the Board or between Director(s), the Executive

Director, and/or employees regarding the 2025 Board election